

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA

v.

JONATHAN DANIEL KUTEJ (01)

Criminal No. 4:14-CR-74-Y
ECF

GOVERNMENT'S NOTICE OF ADDITIONAL 404(b) AND OTHER CONDUCT

TO THE HONORABLE TERRY R. MEANS, UNITED STATES DISTRICT JUDGE:

The United States, acting by and through the undersigned Assistant United States Attorney for the Northern District of Texas, hereby submits this additional notice of 404(b) and other conduct:

In addition to the notice initially offered by the government, the government anticipates introducing the following evidence at trial:

8. Evidence that defendant Kutej distributed images of MV4, including the charged images contained in Count Two of the superseding indictment, using his phone on or about August 10, 2013. This evidence will include chat communications in which Kutej stated that he helped with giving MV4 a bath and getting dressed.

9. Text communications made by Kutej to T. Sebastian that he liked young girls.

10. Additional evidence located on Kutej's phone that indicates that Kutej was visiting possible child pornography websites, including the presence of URL's for teen pornography.

The government anticipates offering this evidence to show knowledge and that Kutej's conduct was intentional, not a mistake or accident.

Correction to Original Notice

The government also corrects its original notice to reflect in Notice No. 7 that Kutej made his statements to Dana Filler, not Dana Fuller.

Respectfully submitted,

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UNITED STATES ATTORNEY

/s/ Aisha Saleem
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CERTIFICATE OF SERVICE

I hereby certify that on this the 4th day of November, 2014, I electronically filed the foregoing document with the clerk of court for the U.S. District Court, Northern District, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to the following attorneys of record who has consented in writing to accept this Notice as service of this document by electronic means: J. Warren St. John.

/s/ Aisha Saleem
AISHA SALEEM
Assistant United States Attorney